



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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August 7, 2020

Honorable Vernon S. Broderick  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Medina v. NYS Div. of Parole*  
20-CV-3763 (VSB)

The hearing on the Order to Show Cause is adjourned to September 23, 2020, at 10:00 a.m. On or before September 3, 2020, Defendants are directed to file a letter updating the court as to the accommodations they have made for Plaintiff's disability. On or before September 14, 2020, Plaintiff is directed to file a letter indicating whether there remain accommodations that have not been met by Defendants.

**SO ORDERED:**

HON. VERNON S. BRODERICK 8/13/2020  
UNITED STATES DISTRICT JUDGE

Dear Judge Broderick:

I am a deputy chief in the General Litigation Division of the New York City Law Department, attorney for the City of New York in the above-referenced action. By mere happenstance – specifically, by an email from the Office of the Attorney General, alerting the New York City Department of Correction's Legal Office, which in turn apprised me, of the pendency of this matter – this Office learned yesterday, for the first time, of the existence of this lawsuit, and of the pending order to show cause Your Honor issued on August 2, 2020 (DE # 17).

Prior to receipt of the above-described email, the City was not served with the Amended Complaint (DE # 4) nor any Summons; nor the Order of Service dated July 12, 2020 (DE # 13), that Your Honor issued with instructions to the Clerk of the Court to notify the New York City Department of Correction and the Law Department of its issuance, which notification was never received by either Department; nor, finally, the Order to Show Cause issued on August 2, 2020 (DE # 17) – all of which I learned of only by promptly accessing the Docket, triggered by receipt of the Attorney General's email.

Regarding the pending Order to Show Cause, I am informed that that Plaintiff made a similar, if not identical, application for preliminary injunctive relief in another matter pending in the Southern District, one known to and cited by Your Honor in the July 12<sup>th</sup> Order of

Service – *Medina v. Smalls et al.*, 20 CV 3985, before Judge Katherine Polk Failla. Defendants in that case, represented by this Office, submitted papers in opposition to Plaintiff’s application yesterday. (*Smalls, id.*, DE ## 26, 27.) Among other things, Defendants noted in their papers, and in an accompanying letter to the Court (*id.*, DE # 28), that Plaintiff has already been provided, and will receive, reasonable accommodations at the North Infirmery Command (“NIC”) to which he was recently transferred. Plaintiff has yet to file a reply in *Smalls*.

Owing to the pendency of proceedings seeking substantially similar relief before Judge Failla, I would respectfully request that the Court consider rescinding, or at least staying, the Order to Show Cause in this litigation pending resolution of the motion practice in *Medina v. Smalls*.

I have assigned this matter to Assistant Corporation Counsel Lana Koroleva ([LKorolev@law.nyc.gov](mailto:LKorolev@law.nyc.gov)). Should Your Honor determine it appropriate to proceed with the Order to Show Cause in this action, I respectfully request, on behalf of the City Defendant and Ms. Koroleva, an additional three weeks (*i.e.*, permitting the City Defendant to file responsive papers by September 3<sup>rd</sup>) to permit Ms. Koroleva time to become familiar with the facts relevant to the Amended Complaint, and to submit papers responsive to the pending Order to Show Cause. Because Plaintiff *Pro Se* Mr. Medina is incarcerated, I have been unable to consult with him on these requests.

On behalf of the City Defendant, and Ms. Koroleva, I thank Your Honor for your consideration of these matters.

Very truly yours,

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/s/  
Jonathan Pines  
Deputy Chief, General Litigation Division

Copy (by mail) to:

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Copies to counsel by ECF